

AMENDED IN ASSEMBLY AUGUST 29, 2005

AMENDED IN SENATE APRIL 20, 2005

SENATE BILL

No. 168

Introduced by Senator Chesbro
(Principal coauthor: Assembly Member Berg)

February 8, 2005

~~An act to repeal Article 8 (commencing with Section 51790) of Chapter 5 of Part 28 of the Education Code, relating to public education instruction. An act to amend Section 12012.45 of the Government Code, relating to gaming.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 168, as amended, Chesbro. ~~Public education.~~ Tribal gaming: compact ratification.

Existing federal law, the Indian Regulatory Act of 1988, provides for the negotiation and execution of tribal-state gaming compacts for the purpose of authorizing certain types of gaming on Indian lands within a state. Existing law expressly ratifies a number of tribal-state gaming compacts between the State of California and specified Indian tribes.

This bill would ratify tribal-state gaming compact entered into on June 7, 2005, between the State of California and the Yurok Tribe of the Yurok Reservation.

This bill would incorporate additional changes in Section 12012.45 of the Government Code, proposed by SB 935, to be operative only if SB 935 and this bill are both chaptered and become effective on or before January 1, 2006, and this bill is chaptered last.

~~Existing law permits school districts, to offer instruction in aviation education, including actual flight experience. Existing law imposes various duties on the State Department of Education and the Division~~

of Aeronautics in the Department of Transportation in connection with aiding and assisting school districts in the development and conduct of this program.

~~This bill would delete that authority and those duties.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12012.45 of the Government Code is
2 amended to read:

3 12012.45. (a) The following tribal-state gaming compacts
4 and amendments of tribal-state gaming compacts entered into in
5 accordance with the Indian Gaming Regulatory Act of 1988 (18
6 U.S.C. Sec. 1166 to 1168, incl., and 25 U.S.C. Sec. 2701 et seq.)
7 are hereby ratified:

8 (1) The amendment of the compact between the State of
9 California and the Buena Vista Rancheria of Me-Wuk Indians,
10 executed on August 23, 2004.

11 (2) The compact between the State of California and the Fort
12 Mojave Indian Tribe, executed on August 23, 2004.

13 (3) The compact between the State of California and the
14 Coyote Valley Band of Pomo Indians, executed on August 23,
15 2004.

16 (4) The amendment to the compact between the State of
17 California and the Ewiiapaayp Band of Kumeyaay Indians,
18 executed on August 23, 2004.

19 (5) *The compact between the State of California and the Yurok*
20 *Tribe of the Yurok Reservation, executed on June 7, 2005.*

21 (b) (1) In deference to tribal sovereignty, none of the
22 following shall be deemed a project for purposes of the
23 California Environmental Quality Act (Division 13 (commencing
24 with Section 21000) of the Public Resources Code):

25 (A) The execution of an amendment of a tribal-state gaming
26 compact ratified by this section.

27 (B) The execution of a tribal-state gaming compact ratified by
28 this section.

29 (C) The execution of an intergovernmental agreement between
30 a tribe and a county or city government negotiated pursuant to
31 the express authority of, or as expressly referenced in, a

1 tribal-state gaming compact or an amended tribal-state gaming
2 compact ratified by this section.

3 (D) The execution of an intergovernmental agreement between
4 a tribe and the California Department of Transportation
5 negotiated pursuant to the express authority of, or as expressly
6 referenced in, a tribal-state gaming compact or an amended
7 tribal-state gaming compact ratified by this section.

8 (E) The on-reservation impacts of compliance with the terms
9 of a tribal-state gaming compact or an amended tribal-state
10 gaming compact ratified by this section.

11 (F) The sale of compact assets, as defined in subdivision (a) of
12 Section 63048.6, or the creation of the special purpose trust
13 established pursuant to Section 63048.65.

14 (2) Except as expressly provided herein, nothing in this
15 subdivision shall be construed to exempt a city, county, a city
16 and county, or the California Department of Transportation from
17 the requirements of the California Environmental Quality Act.

18 (c) Revenue contributions made to the state by tribes pursuant
19 to the tribal-state gaming compacts and amendments of
20 tribal-state gaming compacts ratified by this section shall be
21 deposited in the General Fund.

22 *SEC. 1.5. Section 12012.45 of the Government Code is*
23 *amended to read:*

24 12012.45. (a) The following tribal-state gaming compacts
25 and amendments of tribal-state gaming compacts entered into in
26 accordance with the Indian Gaming Regulatory Act of 1988 (18
27 U.S.C. Sec. 1166 to 1168, incl., and 25 U.S.C. Sec. 2701 et seq.)
28 are hereby ratified:

29 (1) The amendment of the compact between the State of
30 California and the Buena Vista Rancheria of Me-Wuk Indians,
31 executed on August 23, 2004.

32 (2) The compact between the State of California and the Fort
33 Mojave Indian Tribe, executed on August 23, 2004.

34 (3) The compact between the State of California and the
35 Coyote Valley Band of Pomo Indians, executed on August 23,
36 2004.

37 (4) The amendment to the compact between the State of
38 California and the Ewiiapaayp Band of Kumeyaay Indians,
39 executed on August 23, 2004.

1 (5) *The amendment to the compact between the State of*
2 *California and the Quechan Tribe of the Fort Yuma Indian*
3 *Reservation, executed on June 7, 2005.*

4 (6) *The compact between the State of California and the Yurok*
5 *Tribe of the Yurok Reservation, executed on June 7, 2005.*

6 (b) (1) In deference to tribal sovereignty, none of the
7 following shall be deemed a project for purposes of the
8 California Environmental Quality Act (Division 13 (commencing
9 with Section 21000) of the Public Resources Code):

10 (A) The execution of an amendment of a tribal-state gaming
11 compact ratified by this section.

12 (B) The execution of a tribal-state gaming compact ratified by
13 this section.

14 (C) The execution of an intergovernmental agreement between
15 a tribe and a county or city government negotiated pursuant to
16 the express authority of, or as expressly referenced in, a
17 tribal-state gaming compact or an amended tribal-state gaming
18 compact ratified by this section.

19 (D) The execution of an intergovernmental agreement between
20 a tribe and the California Department of Transportation
21 negotiated pursuant to the express authority of, or as expressly
22 referenced in, a tribal-state gaming compact or an amended
23 tribal-state gaming compact ratified by this section.

24 (E) The on-reservation impacts of compliance with the terms
25 of a tribal-state gaming compact or an amended tribal-state
26 gaming compact ratified by this section.

27 (F) The sale of compact assets, as defined in subdivision (a) of
28 Section 63048.6, or the creation of the special purpose trust
29 established pursuant to Section 63048.65.

30 (2) Except as expressly provided herein, nothing in this
31 subdivision shall be construed to exempt a city, county, a city
32 and county, or the California Department of Transportation from
33 the requirements of the California Environmental Quality Act.

34 (c) Revenue contributions made to the state by tribes pursuant
35 to the tribal-state gaming compacts and amendments of
36 tribal-state gaming compacts ratified by this section shall be
37 deposited in the General Fund.

38 *SEC. 2. Section 1.5 of this bill incorporates amendments to*
39 *Section 12012.45 of the Government Code proposed by both this*
40 *bill and SB 935. It shall only become operative if (1) both bills*

1 *are enacted and become effective on or before January 1, 2006,*
2 *(2) each bill amends Section 12012.45 of the Government Code,*
3 *and (3) this bill is enacted after SB 935, in which case Section 1*
4 *of this bill shall not become operative.*

5 ~~SECTION 1. Article 8 (commencing with Section 51790) of~~
6 ~~Chapter 5 of Part 28 of the Education Code is repealed.~~

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